

In re Application of:  
Epstein et al.  
Application No.: 10/618,183  
Filed: July 10, 2003  
Page 6

PATENT  
Attorney Docket No.: MEDIV2010-4

## REMARKS

The Notice of Non-Compliant Amendment mailed August 14, 2006, states that the Response filed on June 2, 2006 is not in compliance with 37 CFR §1.121. In view of the Response filed herein, Applicant respectfully submits that all claims are properly listed and are in condition for examination on their merits. Claims 17, 19, 24-25, 29-32, 34, 39-43, 45-49 are pending and at issue.

In view of the above amendments and remarks, reconsideration and favorable action on all claims are respectfully requested. In the event any matters remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

No fee is believed due in connection with this Response. However, the Commissioner is hereby authorized to charge any fees that may be associated with this communication or credit any overpayment to Deposit Account No. 07-1896 referencing the above-identified attorney docket number. A copy of the Transmittal Sheet is enclosed.

Respectfully submitted,

Date: August 28, 2006

  
Michael R. Shevlin  
Michael R. Shevlin, J.D.  
Registration No. 38,724  
Telephone: (858) 638-6608  
Facsimile: (858) 677-1465

DLA PIPER RUDNICK GRAY CARY US LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
USPTO CUSTOMER NO. 28213